

# PATENT COOPERATION TREATY

# PCT

REC'D 29 DEC 1999

WIPO PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference IRC253	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US98/21487	International filing date (day/month/year) 13/10/1998	Priority date (day/month/year) 14/10/1997
International Patent Classification (IPC) or national classification and IPC D06N7/00		
Applicant INTERFACE, INC. et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand  12/05/1999	Date of completion of this report  12.99
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer  Tiercet, M  Telephone No. +49 89 2399 8977



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International application No. PCT/US98/21487

**I. Basis of the report**

1. This report has been drawn on the basis of (*substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

**Description, pages:**

1-33 as originally filed

**Claims, No.:**

1-37 as originally filed

**Drawings, sheets:**

1/3-3/3 as originally filed

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

4. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	2-37
	No:	Claims	1
Inventive step (IS)	Yes:	Claims	16-25, 26-27, 29-35
	No:	Claims	1-15, 28, 36-37
Industrial applicability (IA)	Yes:	Claims	1-37
	No:	Claims	

**2. Citations and explanations**

**see separate sheet**

**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT - SEPARATE SHEET**

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Ad V:

1. Reference is made to the following documents:

D1: DE-U-941 6152

D2: DE-A-1635484

2. From D1, figure and corresponding description, a floor covering is known, comprising a woven fabric top layer (2), a backing layer (8) positioned below the top layer and a backing fabric (7) below the backing layer. D1 thus discloses all the features of claim 1. The same objection is valid considering D2, figure 3 and corresponding description, describing a floor covering having woven fabric top, a backing layer composed of an adhesive and a felt layer.

For lack of novelty claim 1 does not fulfill the requirements of Article 33(2) PCT.

- 3.1 The characterizing features of claims 2 and 3 are obvious technical measures in the particular field. The same objection is valid for claims 9 to 15.
- 3.2 The skilled person is able to determine the materials and numerical values of dependant claims 4-8 without the exercise of an inventive activity.
- 3.3 For lack of an inventive step the claims 2 to 15 do not meet the requirements of Article 33(3) PCT.
4. The only feature of process claim 28 not mentioned in D1, the provision of a reinforcement layer has to be regarded as part of the skilled persons general knowledge.

For lack of an inventive step claim 28 does not meet the requirements of Article 33(3) PCT.

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5. The use of edge and carpet seam sealer according to claims 36 and 37 has to be regarded as common technical measure.

For lack of an inventive step the claims 36 and 37 do not meet the requirements of Article 33(3) PCT.

6. The very specific layers (a) to (e) according to independant claim 26 do not derive in an obvious manner from the documents cited in the search report, so that claim 26 is considered as non-evident alternative meeting the requirements of Article 33(2) and 33(3) PCT.

7. The industrial applicability is evident.

**Ad VII:**

1. The units of weight/measure (ounce per square yard, inch) employed in claims 21, 25 and on pages 22, 25, 28, 31 are not additionally expressed in terms of the units stipulated by Rule 10.1 (a) PCT.
- 2.1 The reference number 12, mentioned page 15, line 24 is missing in figure 1.
- 2.2 The reference number 126, mentioned page 31, line 7 should probably be 115 (see figure 3).

**INTERNATIONAL PRELIMINARY  
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Ad VIII:

Independent claims 1, 26, 28 and 36 do not seem to be so linked as to form a single general inventive concept (Rule 13.1 PCT) for the following reasons: Claim 1 describes a floor covering comprising woven top, backing layer and backing fabric, whereas claim 26 requires the floor covering to comprise specific layers a) to e). Independent method claim 28 describes the production of a floor covering which will not result in the floor covering of either claims 1 or 26 and method claim 36 mentions the application of edge sealer and carpet seam sealer in order to avoid ravel.

## PATENT COOPERATION TREATY

PCT

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

United States Patent and Trademark  
Office  
(Box PCT)  
Crystal Plaza 2  
Washington, DC 20231  
ÉTATS-UNIS D'AMÉRIQUE

in its capacity as elected Office

<b>Date of mailing</b> (day/month/year) 12 July 1999 (12.07.99)	
<b>International application No.</b> PCT/US98/21487	<b>Applicant's or agent's file reference</b> IRC253FGN
<b>International filing date</b> (day/month/year) 13 October 1998 (13.10.98)	<b>Priority date</b> (day/month/year) 14 October 1997 (14.10.97)
<b>Applicant</b> SCOTT, Graham et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

12 May 1999 (12.05.99)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

<p>The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland</p> <p>Facsimile No.: (41-22) 740.14.35</p>	<p>Authorized officer R. Forax</p> <p>Telephone No.: (41-22) 338.83.38</p>
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## INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference <b>IRC253FGN</b>	<b>FOR FURTHER ACTION</b> see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. <b>PCT/US 98/ 21487</b>	International filing date (day/month/year) <b>13/10/1998</b>	(Earliest) Priority Date (day/month/year) <b>14/10/1997</b>
Applicant <b>INTERFACE, INC. et al.</b>		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

### 1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☒ None of the figures.



## INTERNATIONAL SEARCH REPORT

International Application No.

PCT/US 98/21487

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 6 D06N7/00 A47G27/04

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 6 D06N A47G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	DE 16 35 484 A (DELLEN & CO.) 13 May 1971  see page 2, paragraph 1; claim; figures ---	1, 2, 9, 15-17, 22-25
Y	WO 93 08325 A (INTERFACE INC) 29 April 1993  see the whole document ---	1, 2, 9, 15-17, 22-25 28
A	WO 95 23691 A (MILLIKEN RES CORP) 8 September 1995 see the whole document ---	2, 22-25
Y	WO 90 14107 A (INTERFACE INC) 29 November 1990 see claims 1, 4, 9, 10 ---	15
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☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

## ° Special categories of cited documents:

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&amp;" document member of the same patent family

Date of the actual completion of the international search

16 March 1999

Date of mailing of the international search report

23/03/1999

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Pamies Olle, S

## INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 98/21487

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
DE 1635484	A	13-05-1971	NONE	
WO 9308325	A	29-04-1993	CA 2122003 A AU 658856 B EP 0609208 A JP 8016312 B JP 7502569 T	29-04-1993 04-05-1993 10-08-1994 21-02-1996 16-03-1995
WO 9523691	A	08-09-1995	US 5545276 A AU 689866 B AU 1933695 A CA 2184090 A EP 0748278 A JP 9509855 T US 5540968 A	13-08-1996 09-04-1998 18-09-1995 08-09-1995 18-12-1996 07-10-1997 30-07-1996
WO 9014107	A	29-11-1990	US 5024840 A AU 641602 B AU 5664590 A CA 2031196 A DE 69031265 D DE 69031265 T EP 0431094 A JP 3503378 T JP 4033463 B KR 9501383 B	18-06-1991 23-09-1993 18-12-1990 16-11-1990 18-09-1997 22-01-1998 12-06-1991 01-08-1991 03-06-1992 18-02-1995
DE 9218998	U	28-11-1996	DE 4234254 A	14-04-1994
DE 29600724	U	13-02-1997	NONE	
DE 9416152	U	15-12-1994	NONE	
US 2752277	A	26-06-1956	NONE	
US 2622998	A	23-12-1952	NONE	

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## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 92 18 998 U (CARL HERDING GMBH & CO KG) 28 November 1996 see claims ---	1
A	DE 296 00 724 U (LONGLIFE TEPPICHBODEN BERNDT C) 13 February 1997 see page 2, last line - page 3, line 5; claims 1,5; figures ---	1
A	DE 94 16 152 U (KOCH GUNNAR) 15 December 1994 see page 6, paragraph 2 - paragraph 3; claims; figure see page 8 ---	1
A	US 2 752 277 A (W.R. KEEN) 26 June 1956 ---	1
A	US 2 622 998 A (W.F. STAHL) 23 December 1952 -----	1